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*The comments of this pre-app are preliminary in nature and subject to change based upon the submittal of additional or different information. The Planning Commission or City Council are the final decision making authority of the City, and are not bound by the comments made by the Staff as part of this pre-application.*

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**ASHLAND PLANNING DIVISION  
PRE-APPLICATION CONFERENCE  
COMMENT SHEET** January 22, 2025

**SITE:** 763 Jefferson  
**APPLICANT:** Kaplan  
**REQUEST:** Commercial Site Design Review

## **PLANNING DIVISION COMMENTS**

*This pre-application conference is intended to highlight significant issues before the applicant prepares and submits a formal application.*

**Summary:** “Commercial Recreation, includes country club, golf course, swimming club, and tennis clubs” are not an allowed use in either the E-1 or M-1. That said the existing tennis club, which is entirely indoors, was legally approved in June 1989 and referred to as a “Racquet club” (PA 89-108). The staff report makes no mention of allowed uses or zoning. It is included at the end of this document.

**Procedurally:** Commercial Site Design Review approval is required to for the proposed courts, and a Conditional Use Permit (CUP) for an expansion of a non-conforming use. The Site Review application would need to provide a Site Plan and written findings addressing the applicable criteria and standards for Basic Site Design Review.

The biggest challenge is preparing adequate findings addressing the 4th approval criteria for a CUP which prevents a prohibited use in the zone and rely on the 1989 approval and the fact that the code requires a CUP for the remedy to expand a non-conforming use.

In a 2011 Site Review to develop the property by Brammo Motors, a wetland was identified and delineated with concurrence by the state in the center of the lot, in addition to the Knoll Creek Water Resource protection zone. However due to the length of time that has passed the delineation has expired (in 2013).

A complete application should address the following:

- Any proposed pedestrian connectivity from the adjacent property / existing club.
- Details on proposed landscaping.
- Details on any proposed fences and lights.
- Is there going to be a security fence at the perimeter? If so, how high. (Any fence over 8’ tall will require a building permit.)

If there is any seating or grandstands the building official will require a code analysis showing how it meets the requirements of outdoor assembly.

*The project is located outside of the Detail Site Review overlay, and no other overlays effect the property.*

## **CONDITIONAL USE PERMIT** *AMC 18.5.4.050 Approval Criteria*

A. Approval Criteria. A Conditional Use Permit shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.

1. That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant Comprehensive plan policies that are not implemented by any City, State, or Federal law or program.
2. That adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the development, and adequate transportation can and will be provided to the subject property.
3. That the conditional use will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone, pursuant with subsection 18.5.4.050.A.5, below. When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone.
  - a. Similarity in scale, bulk, and coverage.
  - b. Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.
  - c. Architectural compatibility with the impact area.
  - d. Air quality, including the generation of dust, odors, or other environmental pollutants.
  - e. Generation of noise, light, and glare.
  - f. The development of adjacent properties as envisioned in the Comprehensive Plan.
  - g. Other factors found to be relevant by the approval authority for review of the proposed use.
4. A conditional use permit shall not allow a use that is prohibited or one that is not permitted pursuant to this ordinance.
5. For the purposes of reviewing conditional use permit applications for conformity with the approval criteria of this subsection, the target uses of each zone are as follows.
  - f. E-1. The general office uses listed in chapter 18.2.2 Base Zones and Allowed Uses, developed at an intensity of 0.35 floor to area ratio, complying with all ordinance requirements; and within the Detailed Site Review overlay, at an intensity of 0.50 floor to area ratio, complying with all ordinance requirements.
  - g. M-1. The general light industrial uses listed in chapter 18.2.2 Base Zones and Allowed Uses, complying with all ordinance requirements.

## **SITE DESIGN REVIEW**

For non-residential uses any building addition requires Site Design Review approval. Due to the nature of the proposed development, and the applicability of the related design standards (building orientation, etc.), staff has limited comments relating to the proposal.

Generally speaking, if there are existing non-conformities with these standards such as site landscaping or the placement of parking and circulation between a building and the street, the standards would seek to have the non-conformities addressed to a degree proportional to any addition proposed (i.e. *if a building addition of ten percent were involved, non-conformities for ten percent of the site would need to be addressed.*)

Site Design Review requires that the following criteria and the associated standards from the Ashland Municipal Code (AMC) be addressed.

- A. Underlying Zone.** The proposal complies with all of the applicable provisions of the underlying zone (part 18.2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.
- B. Overlay Zones.** The proposal complies with applicable overlay zone requirements (part [18.3](#)).
- C. Site Development and Design Standards.** The proposal complies with the applicable Site Development and Design Standards of part [18.4](#), except as provided by subsection E, below.
- D. City Facilities.** The proposal complies with the applicable standards in section [18.4.6](#) Public Facilities, and that adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the property, and adequate transportation can and will be provided to the subject property.
- E. Exception to the Site Development and Design Standards.** The approval authority may approve exceptions to the Site Development and Design Standards of part [18.4](#) if the circumstances in either subsection 1 or 2, below, are found to exist.
  - 1. There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Development and Design; and the exception requested is the minimum which would alleviate the difficulty.; or
  - 2. There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Development and Design Standards.

**Trees:** All actions which involve any site disturbance are required to provide a tree inventory and tree protection plan. All trees on the property, and on adjacent properties within 15 feet of the property line, would need to be identified and details of protective measures such as fencing that would protect them during proposed site disturbance shown. Any trees to be removed would need to be clearly identified, and if necessary Tree Removal Permits requested.

**Sign Regulations (18.4.7.060.B):** All signs / including window graphics do require sign permits which are handled as a ministerial permit.

**Neighborhood Outreach:** Staff always recommends that applicants approach the affected

neighbors, particularly those who are likely to receive notice of an application, in order to make them aware of the proposal and to try to address any concerns that may arise as early in the process as possible. Notices are typically sent to neighboring property owners within a 200-foot radius of the perimeter subject property.

**Written Findings/Burden of Proof:** This pre-application conference is intended to highlight significant issues of concern to staff and bring them to the applicant's attention prior to their preparing a formal application submittal. Applicants should be aware that written findings addressing the ordinance and applicable criteria are required, and are heavily depended on when granting approval for a planning action. In addition, the required plans are explained in writing below. The burden of proof is on the applicant(s) to ensure that all applicable criteria are addressed in writing and that all required plans, written findings, and other materials are submitted even if those items were not discussed in specific, itemized detail during this initial pre-application conference.

## OTHER CITY OF ASHLAND DEPARTMENT COMMENTS

**BUILDING:** *No comments at this time.* Please contact the Building Division for any building codes-related questions at 541-488-5305.

**CONSERVATION:** For more information on available water conservation programs, or any financial or technical assistance available for the construction of Earth Advantage/Energy Star buildings, please contact the conservation department at 541-552-5306 or via e-mail to [conserve@ashland.or.us](mailto:conserve@ashland.or.us).

**ENGINEERING:** *No comments at this time.* Please contact Karl Johnson of the Engineering Division for any Public Works/Engineering information at 541-552-2415 or via e-mail to [karl.johnson@ashland.or.us](mailto:karl.johnson@ashland.or.us).

**FIRE:** *No comments at this time.* Please contact Mark Shay from the Fire Department for any Fire Department-related information at 541-552-2217 or via e-mail to [mark.shay@ashland.or.us](mailto:mark.shay@ashland.or.us)

**WATER AND SEWER SERVICE:** *No comments at this time.* Please contact the Water Department at 541-488-5353 with any questions regarding water utilities.

**ELECTRIC SERVICE:** *Electric Approves.* **Please contact Electric Department to discuss Solar and Transformer lead times.** If any upgrades to existing service are necessary, please contact Rick Barton in the Electric Department at 541-552-2082.

# APPLICATION REQUIREMENTS

## PROCEDURE

Site Design Review permits are typically subject to a “Type I” procedure which provides for an administrative decision made following public notice and a public comment period. Type I decisions provide an opportunity for appeal to the Planning Commission.

## APPLICATION REQUIREMENTS

### Submittal Information.

The application is required to include all of the following information.

- a. The information requested on the application form at <http://www.ashland.or.us/Files/Zoning%20Permit%20Application.pdf> .
- b. Plans and exhibits required for the specific approvals sought (see below).
- c. A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail (see below).
- d. Information demonstrating compliance with all prior decision(s) and conditions of approval for the subject site, *as applicable*.
- e. The required fee (see below).

The Ashland Land Use Ordinance, which is Chapter 18 of the Municipal Code, is available on-line in its entirety at: <https://ashland.municipal.codes/LandUse>

### Written Statements

Please provide two copies of a written statements explaining how the application meets the approval criteria from the sections of the Ashland Municipal Code listed below. These written statements provide the Staff Advisor or Planning Commission with the basis for approval of the application:

- **Site Design Review** **AMC 18.5.2.050**

### Plans & Exhibits Required

Please provide two sets of exhibits (plans or drawings) addressing the submittal requirements from the sections of the Ashland Municipal Code listed below. These exhibits are used to copy the Planning Commission packets and for notices that are mailed to neighbors. Please provide two copies on paper no larger than 11-inches by 17-inches and reproducible copies that are drawn to a standard architect’s or engineer’s scale.

- **Site Design Review:** **AMC 18.5.2.040**
- **Tree Preservation & Protection Plan:** **AMC 18.4.5.030**
- **Tree Removal (if applicable):** **AMC 18.5.7.030**

<b>FEES:</b>	<b>Site Design Review - \$1,315.50 + ½% of labor &amp; materials valuation</b>	
	<b>Exceptions</b>	<b>\$ 0</b>
	<b>Tree Removal Permit</b>	<b>\$ 0</b>

**NOTE:** *Applications are accepted on a first come-first served basis. All applications received are reviewed and must be found to be complete before being processed or scheduled at a Planning Commission meeting. Applications will not be accepted without a complete application form signed by the applicant(s) and property owner(s), all required materials and full payment. Applications are reviewed for completeness in accordance with ORS 227.178. The first fifteen COMPLETE applications submitted are processed at the next available Planning Commission meeting.*

**For further information, please contact:**

Aaron Anderson, Senior Planner  
City of Ashland, Department of Community Development  
Phone (541) 552-2052 or e-mail [aaron.anderson@ashland.or.us](mailto:aaron.anderson@ashland.or.us)

January 22, 2025

Date

**ASHLAND PLANNING COMMISSION**

**FINDINGS & ORDERS**

June 28, 1989

PLANNING ACTION 89-108 is a request for a Site Review and Solar Variance for a proposed racquet club located at 735 Jefferson Street.

Comprehensive Plan Designation: Employment; Zoning: E-1; Assessor's Map #: 14A;  
Tax Lot #: 1108.

APPLICANT: Amigos Building Co.

On Thursday, June 15, 1989, at 3:30 p.m., an administrative hearing was held in the Planning Office to review this application. In attendance were the Amigos; Dan Ralls, Don Bennett, Steve Sacks, and Bob Mayers. Tom Giordano, of Wagner, Ward, and Giordano, was also in attendance. Associate Planner John McLaughlin served as Hearings Officer.

McLaughlin reviewed the site plan and stated that it was a very good design, given the constraints of the site and the size of the building needed to house 4 tennis courts. A low berm will be provided along Jefferson Street to block the view of the parking lot directly, but will still allow visibility of the structure. Pedestrian access will be provided from the sidewalk on Jefferson through the berm and across the parking lot.

A solar waiver is required. The shading will fall on the property to the north, and a maintenance building for the Forest Service will be shaded. McLaughlin found that the variance met the criteria for approval.

The criteria for approval of a Site Review are as follows:

- A. All applicable City ordinances have been met and will be met by the proposed development.*
- B. All requirements of the Site Review chapter have been met.*
- C. The site design complies with the guidelines adopted by the City Council for implementation of this chapter.*

The criteria for approval of a Solar Variance are as follows:

- A. That the owner or owners of all property to be shaded sign and record with the County Clerk on the affected properties deed, a release form supplied by the City, which contains the following information:*
  - a. The signatures of all owners or registered lease holders who hold an interest in the property in question.*

b. *A statement that the waiver applies only to the specific building or buildings to which the waiver is granted.*

c. *A statement that the solar access guaranteed by the Section is waived for that particular structure and the City is held harmless for any damages resulting from the waiver.*

d. *A description and drawing of the shading which would occur, and*

B. *The Staff Advisor finds that:*

a. *the variance does not preclude the reasonable use of solar energy on the site by future buildings, and*

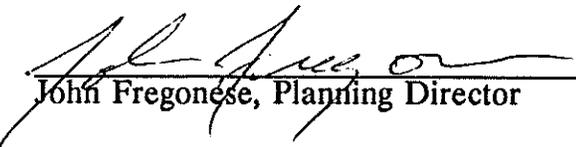
b. *the variance does not diminish any substantial solar access which benefits a habitable structure on an adjacent lot.*

McLaughlin found that the application met all of the applicable criteria.

Based on our overall conclusions and on the proposal being subject to each of the following conditions, we approve Planning Action 89-108. Further, if any one or more of the following conditions are found to be invalid for any reason whatsoever, then Planning Action 89-108 is denied. The following are the conditions and they are attached to the approval:

- 1) That all landscaping, including street trees, be installed prior to the issuance of a certificate of occupancy for the structure.
- 2) That all accessways and parking areas be paved and striped prior to the issuance of a certificate of occupancy for the structure.
- 3) That all requirements relating to the storm drain be met prior to occupancy.
- 4) That all requirements of the Electric Department be met.
- 5) That all requirements of the Fire Department be met.
- 6) That a separate sign permit be obtained.

If no appeal is filed, this request will become final when reviewed by the Ashland Planning Commission on June 28, 1989.

  
John Fregonese, Planning Director

6/28/89  
Date